



# Appendix P

Version: 03/1/2022

**Corrective Actions Review and Approval Process**



## Procedure for Review and Approval of Corrective Actions

### Corrective Action Plan (CAP) Process

**Corrective action plan (CAP)** means a plan developed by an RTA/RFGPTS that describes the actions it will take to minimize, control, correct, or eliminate risks and hazards, the schedule for taking those actions and the individual(s) and department(s) responsible for implementation. A State Safety Oversight Agency or FTA may require an RTA/RFGPTS to develop and carry out a corrective action plan.

Each CAP must identify:

- The hazard or programmatic deficiency
- The action to be taken by the RTA/RFGPTS
- An implementation schedule/due date
- The individual(s) and department(s) responsible for the implementation
- Any other critical information, such as interim/short-term steps taken while awaiting longer-term mitigations to be implemented.

#### **49 CFR §674.27(a)(8) – State safety oversight program standards**

*Corrective Action Requirements.* The program standard must explain the process and criteria by which the SSOA may order an RTA to develop and carry out a Corrective Action Plan (CAP), and a procedure for the SSOA to review and approve a CAP. Also, the program standard must explain the SSOA's policy and practice for tracking and verifying an RTA's compliance with the CAP and managing any conflicts between the SSOA and RTA relating either to the development or execution of the CAP or the findings of an investigation.

#### **49 CFR §674.37 Corrective action plans**

- (a) In any instance in which an RTA must develop and carry out a CAP, the SSOA must review and approve the CAP before the RTA carries out the plan; however, an exception may be made for immediate or emergency corrective actions that must be taken to ensure immediate safety, provided that the SSOA has been given timely notification, and the SSOA provides subsequent review and approval. A CAP must describe specifically, the actions the RTA will take to minimize, control, correct, or eliminate the risks and hazards identified by the CAP, the schedule for taking those actions, and the individuals responsible for taking those actions. The RTA must periodically report to the SSOA on its progress in carrying out the CAP. The SSOA may monitor the RTA's progress in carrying out the CAP through unannounced, on-site inspections, or any other means the SSOA deems necessary or appropriate.
- (b) In any instance in which a safety event on the RTA's rail fixed guideway public transportation system is the subject of an investigation by the NTSB, the SSOA must evaluate whether the findings or recommendations by the NTSB require a CAP by the RTA, and if so, the SSOA must order the RTA to develop and carry out a CAP.



### **CAPs Sources and Approvals**

Development of CAPs has differences depending on the safety program related source, and the state safety oversight (SSO) program or Federal Transit Administration (FTA) approvals are provided below.

#### **Investigations**, See Program Standard Section 6, Section 7, and **Appendix O**.

Safety Events (e.g. Accidents/Incidents, including close calls and significant hazardous conditions), reportable to the FTA or State, may also include other federal agencies such as the National Transportation Safety Board (NTSB), Federal Railroad Administration (FRA), or Transportation Security Administration (TSA). These investigations may also be special external investigations or audits and include recommendations and corrective actions.

- **Immediate or Emergency Corrective Actions Taken** – Review and Approval by the NJDOT SSO program within thirty (30) calendar days.
- **Corrective Action Taken & Formal CAPs** submitted in final investigation report (or separate follow-up report) by the CSO – Review and Approval by the NJDOT SSO program within thirty (30) calendar days.

**Note** general corrective actions such as retraining and/or recertification of RTA/RFGPTS staff will not undergo the formal CAP review and approval process since it is understood that these corrective actions are routine and documented within investigations/logs. Thus, the NJDOT SSO program will review compliance through risk monitoring activities and/or audits/reviews.

#### **Internal Audits**, See Program Standard Section 4, and **Appendix L**.

- **Final report** documenting the findings, recommendations, and any corrective actions.
- CSO to submit CAPs within thirty (30) calendar days of final report and all findings, recommendations and corrective actions tracked in the **Internal Safety Audit/Review Findings Log** (ongoing status updates provided to SSO monthly);
  - Review and Approval by the NJDOT SSO program (and Immediate Actions Taken) within thirty (30) calendar days or with Annual Certification Approval, whichever comes first.

#### **Triennial Safety Program Audits**, See Program Standard Section 5, and **Appendix N**.

- **Final report** documenting the findings, recommendations, and any corrective actions.
- CSO to submit CAPs within thirty (30) calendar days of final report and all findings, recommendations and corrective actions tracked in the **External Safety Audit/Review Findings Log** (ongoing status updates provided to SSO monthly)
  - Review and Approval by the NJDOT SSO program within thirty (30) days.

#### **FTA Headquarters Audit of NJDOT SSO Program**, See Program Standard Section 1.

- Final Audit Report (includes a Matrix) from FTA to NJDOT SSO Program, develop and submit CAPs, in accordance with the timeline specified.
- Coordinate with CSO if CAPs focused on the RTA/RFGPTS.
  - FTA to approve the CAPs.



**SSO Risk Monitoring and Hazard Identification Activities**, See Program Standard Section 1 and **Appendix M**.

- If CAPs needed based on these activities, CSO will be responsible to submit corrective actions/plans within thirty (30) calendar days of observation report.
- NJDOT SSO Program to approve within thirty (30) calendar days.

## **CAPs Process and Interactions with the NJDOT SSO Program**

**Overview of CAPs Process**, See also Program Standard Section 8.

**Scope:** This procedure provides a summary of CAPs development, NJDOT SSO program review and approval, and how the NJDOT SSO program tracks CAPs from the CSO and SSO program monthly reports. When the CSO is ready to close a CAP, evidence must be provided by the CSO to the NJDOT SSO program for concurrence. The NJDOT SSO program is required to determine if the evidence is consistent with the intent of the CAP. In addition, for those CAPs that can and should be verified at the RTA/RFGPTS via inspections or interviews, that verification needs to be completed and documented.

**Regulatory and SSO Program Standard Requirements:** 49 CFR Part 674.37(a) includes the following requirement –

The CSO must report monthly to the NJDOT SSO program on its progress in carrying out the CAP. This will be accomplished through the logs or other formal communications. The NJDOT SSO program may monitor the RTA/RFGPTS progress in carrying out the CAP through unannounced, on-site inspections, or any other means the NJDOT SSO program deems necessary or appropriate.

49 CFR Part 674.27(a)(8) includes the additional requirements to be in the program standard – Also, the program standard must explain the SSO program’s policy and practice for tracking and verifying an RTA/RFGPTS compliance with the CAP, and managing any conflicts between the NJDOT SSO program and RTA/RFGPTS relating either to the development or execution of the CAP or the findings of an investigation.

Program Standard Section 8 includes the following comments/requirements regarding CAPs disputes – If there is a dispute regarding a CAP between the NJDOT SSO program and an CSO, the SSO program is the authority in this process; however, the RTA/RFGPTS is always encouraged to explain their position and the NJDOT SSO program intends to be reasonable. At the end of these discussions, the NJDOT SSO program has the final approval and authority.

1. **RTA/RFGPTS Develops CAP(s)** – RTA/RFGPTS develops CAP(s), as appropriate, and submits to the CSO. The CSO submits final CAP(s) to NJDOT SSO program:
  - Immediate or Emergency Corrective Actions
  - All Other/Standard CAPs



Note: any **Corrective Action** by the RTA/RFGPTS that is implemented prior to the submission of a final accident investigation report, internal/external safety audit report, etc., is required to be documented within the final report and go through the independent CAP review and approval process.

2. **NJDOT SSO Program Review and Approval** – Formal review and approval by the NJDOT SSO program per the program standard [Record Required – letter, document, or email]
  - Immediate or Emergency Corrective Actions– within thirty (30) calendar days for Investigations
  - All other/Standard CAPs – within thirty (30) calendar days of being submitted
3. **CAPs Tracking to Closure** – Tracking CAPs to completion, via monthly reports provided by the CSO to the NJDOT SSO program. NJDOT SSO program required to track/monitor CAPs progress to closure up to and including unannounced inspections – our approach is to use Risk Monitoring to address tracking requirements. [Records are Reports, meeting notes, change of date/assignment/scope forms]
  - Monthly/Periodic CSO Status Reports, See Program Standard Section 1.
  - Other planned RTA/RFGPTS meetings, such as safety and security review committee (SSRC) or equivalent committee, see **Appendix M** for risk monitoring.
  - Monthly CSO Safety Meetings – specifically to cover CAPs status, See Program Standard Section 1.
  - Any changes to scope, assignment, or due date must be formally approved by the NJDOT SSO program. Approval is automatic once the formal request has been made unless the NJDOT SSO program takes exception through comments or questions, this is done for efficiency. These changes are completed through a record provided by the CSO.

**CAPs Status Tracking:** The Program Standard Section 1 describes the requirement for the CSO to provide monthly status updates in a CAPs table or log. Program Standard Section 8 describes the required process for developing, tracking, and closing CAPs. These monthly status tracking reports from the CSO include the status report of all CAPs for review by the NJDOT SSO program. Once the monthly status tracking reports are received, the NJDOT SSO program reviews all updates and compares that information to the NJDOT SSO Program Tracking Data tracking as well as emails to [NJOFGSSO@dot.nj.gov](mailto:NJOFGSSO@dot.nj.gov) received during the previous month. Any discrepancies between the NJDOT SSO Program records and the monthly status tracking reporting are communicated and resolved with the CSO. The open and recently closed CAPs at each RTA/RFGPTS are reviewed at monthly CSO safety meetings.

4. **CAPs Closure** – Once a CAP is complete, evidence of that closure is required by the CSO and provided to the NJDOT SSO program. The CAP closure evidence is checked and filed. [Records are emails with communications and documentation as evidence of closure for each CAP]
  - Each CAP must have evidence of closure
  - NJDOT SSO program formally reviews evidence and concur or ask questions or provide comments [Formal record is a document and/or email]



**CAPs Closure:** When the owner of a CAP has completed the required actions, then evidence of that completion must be submitted to the CSO for concurrence. Once the CSO has concurred with the CAP closure, the evidence is provided to the NJDOT SSO program via email (or other electronic methods for large electronic files) for closure. The evidence received and closure are recorded in the NJDOT SSO program data collection system and saved with the source of the CAP (investigation, internal audit, external audit, triennial audit, or any other source). If there are any questions or issues with the evidence provided, the NJDOT SSO program will coordinate with the CSO to determine the course of action needed to resolve those questions or issues.

5. **CAPs Closure Evidence Quality Assurance** – The NJDOT SSO program is required to complete a quality assurance check of Closed CAPs based on the evidence provided and field visits (interviews, demonstrations, or inspections). See Program Standard Section 1 and **Appendix M**.
  - Follow-up on CAP closure evidence completed through onsite interviews, field inspections, or field demonstrations, based on the evidence provided.
  - These are completed as part of Safety Risk Monitoring Visits
  - Safety Risk Monitoring Visits also address open CAPs requirements to check on progress, based on priority from experience with the Risk Environment at the RTA/RFGPTS.

**CAPs Closure Verification:** Verification of CAP closure can be completed via receipt and review of the evidence provided such as records of training or pictures. In other cases, an SOP or training material may have been modified, and then the SSO program requires a copy of that updated material to review and concur with the completion of the CAP. In some cases, such as maintenance or modifications at a facility or in the field, the CAP may need to be verified in the field by inspection or via interviews with appropriate RTA/RFGPTS or contractor staff. Any field inspection and/or interviews at the RTA/RFGPTS are scheduled as part of the Safety Risk Monitoring activities as described in **Appendix M**. The results of these CAP closure verification activities must be recorded in the NJDOT SSO program data collection system in the Comments field, including any notes of what was reviewed and who provided input for that verification. The Risk Monitoring visits to the RTA/RFGPTS are also recorded in notes by the NJDOT SSO program staff in attendance of the meetings and/or field inspection.

Update:

- October 1, 2021: clarifications to corrective action taken/plans and review/approval by the NJDOT SSO program, and submissions from the CSO; note clarifying general corrective actions as part of investigations.
- March 1, 2022 - Updated with EAR v2.0 Summary of Corrective Actions/Plans blank form.



# SUMMARY OF Corrective Actions/Plans

CAP ID

RFGPTS

Status

NJ Tracking Number

Submitted Date:

Individual Responsible:

Responsible Department:

Proposed Implementation Date:

Actual Implementation Date:

Property Tracking Number:

Source:

Source Date:

Linked To-Event ID:

Source Note:

Finding(s)

Action

Temporary Mitigation

Issues Prevention Resolution

DRAFT



### SUMMARY OF Corrective Actions/Plans

CAP ID

RFGPTS

Status

NJ Tracking Number

Any signature (including any electronic symbol or process attached to, or associated with, a contract or other record and adopted by a Person with the intent to sign, authenticate or accept such contract or record) hereto or to any other certificate, agreement or document related to this transaction, and any contract formation or record-keeping through electronic means shall have the same legal validity and enforceability as a manually executed signature or use of a paper-based recordkeeping system to the fullest extent permitted by applicable law, including the Federal Electronic Signatures in Global and National Commerce Act, the New York State Electronic Signatures and Records Act, or any similar state law based on the Uniform Electronic Transactions Act, and the parties hereby waive any objection to the contrary.

Reviewer 1:

I consent to signing this document electronically

Reviewer 2:

I consent to signing this document electronically

Reviewer 3:

I consent to signing this document electronically

Reviewer 4:

I consent to signing this document electronically

Reviewer 5:

I consent to signing this document electronically

DRAFT





Property:

CAP#:

<b>CAP Inspection</b>			
<b>Date:</b>		<b>Time</b>	
<b>Inspector:</b>		<b>Action:</b>	<input type="checkbox"/> <b>Ongoing Risk</b> <input checked="" type="checkbox"/> <b>Recommended to Close</b>
<b>Field Visit Notes:</b>			
<b>CAP Was Inspected On This Date And Found Acceptable For The Following Reasons:</b>			
<b>Finding:</b> ""  <b>Action:</b> "" <b>CAP:</b> ""  <b>- See Attached Below.</b>			
<b>SSO Manager Review:</b>			
<b>Name:</b>		<b>Date:</b>	
	<b>Signature</b>	<b>Action:</b>	<input type="checkbox"/> <b>Ongoing Risk</b> <input type="checkbox"/> <b>Closed</b>
<b>SSO Manager Notes:</b>			
<b>Notification sent date:</b>		<b>Updated in ACID &amp; SSOR:</b>	